

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 9-1, 9-1.4, 9-1.5, 9-1.7, 9-1.8, 9-1.9, and 9-10 and
6 by adding Section 9-1.15 as follows:

7 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

8 Sec. 9-1. As used in this Article, unless the context
9 otherwise requires, the terms defined in Sections 9-1.1 through
10 9-1.15 ~~9-1.13~~, have the respective meanings as defined in those
11 Sections.

12 (Source: P.A. 86-873.)

13 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

14 Sec. 9-1.4. "Contribution" means-

15 (1) a gift, subscription, donation, dues, loan, advance, or
16 deposit of money or anything of value, knowingly received in
17 connection with the nomination for election, or election, of
18 any person to public office, in connection with the election of
19 any person as ward or township committeeman in counties of
20 3,000,000 or more population, in connection with the legal
21 defense of a candidate or public official, or in connection
22 with any question of public policy;

1 (1.5) a gift, subscription, donation, dues, loan, advance,
2 deposit of money, or anything of value that constitutes an
3 electioneering communication regardless of whether the
4 communication is made in concert or cooperation with or at the
5 request, suggestion, or knowledge of a candidate, a candidate's
6 authorized local political committee, a State political
7 committee, a political committee in support of or opposition to
8 a question of public policy, or any of their agents;

9 (2) the purchase of tickets for fund-raising events,
10 including but not limited to dinners, luncheons, cocktail
11 parties, and rallies made in connection with the nomination for
12 election, or election, of any person to public office, in
13 connection with the election of any person as ward or township
14 committeeman in counties of 3,000,000 or more population, in
15 connection with the legal defense of a candidate or public
16 official, or in connection with any question of public policy;

17 (3) a transfer of funds between political committees; and

18 (4) the services of an employee donated by an employer, in
19 which case the contribution shall be listed in the name of the
20 employer, except that any individual services provided
21 voluntarily and without promise or expectation of compensation
22 from any source shall not be deemed a contribution; but

23 (5) does not include--

24 (a) the use of real or personal property and the cost
25 of invitations, food, and beverages, voluntarily provided
26 by an individual in rendering voluntary personal services

1 on the individual's residential premises for
2 candidate-related activities; provided the value of the
3 service provided does not exceed an aggregate of \$150 in a
4 reporting period;

5 (b) the sale of any food or beverage by a vendor for
6 use in a candidate's campaign at a charge less than the
7 normal comparable charge, if such charge for use in a
8 candidate's campaign is at least equal to the cost of such
9 food or beverage to the vendor.

10 (Source: P.A. 94-645, eff. 8-22-05.)

11 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

12 Sec. 9-1.5. Expenditure defined.

13 "Expenditure" means-

14 (1) a payment, distribution, purchase, loan, advance,
15 deposit, or gift of money or anything of value, in connection
16 with the nomination for election, or election, of any person to
17 public office, in connection with the election of any person as
18 ward or township committeeman in counties of 3,000,000 or more
19 population, in connection with the legal defense of a candidate
20 or public official, or in connection with any question of
21 public policy. "Expenditure" also includes a payment,
22 distribution, purchase, loan, advance, deposit, or gift of
23 money or anything of value that constitutes an electioneering
24 communication regardless of whether the communication is made
25 in concert or cooperation with or at the request, suggestion,

1 or knowledge of a candidate, a candidate's authorized local
2 political committee, a State political committee, a political
3 committee in support of or opposition to a question of public
4 policy, or any of their agents. However, expenditure does not
5 include -

6 (a) the use of real or personal property and the cost
7 of invitations, food, and beverages, voluntarily provided
8 by an individual in rendering voluntary personal services
9 on the individual's residential premises for
10 candidate-related activities; provided the value of the
11 service provided does not exceed an aggregate of \$150 in a
12 reporting period;

13 (b) the sale of any food or beverage by a vendor for
14 use in a candidate's campaign at a charge less than the
15 normal comparable charge, if such charge for use in a
16 candidate's campaign is at least equal to the cost of such
17 food or beverage to the vendor.

18 (2) a transfer of funds between political committees.

19 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
20 93-847, eff. 7-30-04.)

21 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

22 Sec. 9-1.7. "Local political committee" means the
23 candidate himself or any individual, trust, partnership,
24 committee, association, corporation, or other organization or
25 group of persons which:

1 (a) accepts contributions or grants or makes
2 expenditures during any 12-month period in an aggregate
3 amount exceeding \$3,000 on behalf of or in opposition to a
4 candidate or candidates for public office who are required
5 by the Illinois Governmental Ethics Act to file statements
6 of economic interests with the county clerk, ~~or~~ on behalf
7 of or in opposition to a candidate or candidates for
8 election to the office of ward or township committeeman in
9 counties of 3,000,000 or more population, or in connection
10 with the legal defense of a candidate or public official
11 who is required by the Illinois Governmental Ethics Act to
12 file a statement of economic interests with the county
13 clerk;

14 (b) accepts contributions or makes expenditures during
15 any 12-month period in an aggregate amount exceeding \$3,000
16 in support of or in opposition to any question of public
17 policy to be submitted to the electors of an area
18 encompassing no more than one county. The \$3,000 threshold
19 established in this paragraph (b) applies to any receipts
20 or expenditures received or made with the purpose of
21 securing a place on the ballot for, advocating the defeat
22 or passage of, or engaging in electioneering communication
23 regarding the question of public policy regardless of the
24 method of initiation of the question of public policy and
25 regardless of whether petitions have been circulated or
26 filed with the appropriate office or whether the question

1 has been adopted and certified by the governing body;

2 (c) accepts contributions or makes expenditures during
3 any 12-month period in an aggregate amount exceeding \$3,000
4 and has as its primary purpose the furtherance of
5 governmental, political or social values, is organized on a
6 not-for-profit basis, and which publicly endorses or
7 publicly opposes a candidate or candidates for public
8 office who are required by the Illinois Governmental Ethics
9 Act to file statements of economic interest with the County
10 Clerk or a candidate or candidates for the office of ward
11 or township committeeman in counties of 3,000,000 or more
12 population; or

13 (d) accepts contributions or makes expenditures during
14 any 12-month period in an aggregate amount exceeding \$3,000
15 for electioneering communications relating to any
16 candidate or candidates described in paragraph (a) or any
17 question of public policy described in paragraph (b).

18 (Source: P.A. 95-963, eff. 1-1-09.)

19 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

20 Sec. 9-1.8. "State political committee" means the
21 candidate himself or any individual, trust, partnership,
22 committee, association, corporation, or any other organization
23 or group of persons which--

24 (a) accepts contributions or grants or makes expenditures
25 during any 12-month period in an aggregate amount exceeding

1 \$3,000 (i) on behalf of or in opposition to a candidate or
2 candidates for public office who are required by the Illinois
3 Governmental Ethics Act to file statements of economic
4 interests with the Secretary of State or (ii) in connection
5 with the legal defense of a candidate or public official who is
6 required by the Illinois Governmental Ethics Act to file a
7 statement of economic interests with the Secretary of State,

8 (b) accepts contributions or makes expenditures during any
9 12-month period in an aggregate amount exceeding \$3,000 in
10 support of or in opposition to any question of public policy to
11 be submitted to the electors of an area encompassing more than
12 one county. The \$3,000 threshold established in this paragraph

13 (b) applies to any receipts or expenditures received or made
14 with the purpose of securing a place on the ballot for,
15 advocating the defeat or passage of, or engaging in
16 electioneering communication regarding the question of public
17 policy regardless of the method of initiation of the question
18 of public policy and regardless of whether petitions have been
19 circulated or filed with the appropriate office or whether the
20 question has been adopted and certified by the governing body,

21 (c) accepts contributions or makes expenditures during any
22 12-month period in an aggregate amount exceeding \$3,000 and has
23 as its primary purpose the furtherance of governmental,
24 political or social values, is organized on a not-for-profit
25 basis, and which publicly endorses or publicly opposes a
26 candidate or candidates for public office who are required by

1 the Illinois Governmental Ethics Act to file statements of
2 economic interest with the Secretary of State, or

3 (d) accepts contributions or makes expenditures during any
4 12-month period in an aggregate amount exceeding \$3,000 for
5 electioneering communications relating to any candidate or
6 candidates described in paragraph (a) or any question of public
7 policy described in paragraph (b).

8 (Source: P.A. 95-963, eff. 1-1-09.)

9 (10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

10 Sec. 9-1.9. "Political committee" includes State central
11 and county central committees of any political party, and also
12 includes local political committees and state political
13 committees, but does not include any candidate who does not
14 accept contributions or make expenditures during any 12-month
15 period in an aggregate amount exceeding \$3,000, nor does it
16 include, with the exception of State central and county central
17 committees of any political party, any individual, trust,
18 partnership, committee, association, corporation, or any other
19 organization or group of persons which does not (i) accept
20 contributions or make expenditures during any 12-month period
21 in an aggregate amount exceeding \$3,000 on behalf of or in
22 opposition to a candidate or candidates or to any question of
23 public policy, ~~or~~ (ii) accept contributions or make
24 expenditures during any 12-month period in an aggregate amount
25 exceeding \$3,000 for electioneering communications relating to

1 any candidate or candidates described in paragraph (a) of
2 Section 9-1.7 or 9-1.8 or any question of public policy
3 described in paragraph (b) of Section 9-1.7 or 9-1.8, or (iii)
4 accept contributions or make expenditures during any 12-month
5 period in an aggregate amount exceeding \$3,000 in connection
6 with the legal defense of a candidate or public official, and
7 such candidates and persons shall not be required to comply
8 with any filing provisions in this Article.

9 (Source: P.A. 93-847, eff. 7-30-04.)

10 (10 ILCS 5/9-1.15 new)

11 Sec. 9-1.15. Legal defense of a candidate or public
12 official. "Legal defense of a candidate or public official"
13 means the obtaining, providing, or financially assisting with
14 the obtaining or providing of legal counsel, representation,
15 services, advice, opinion, or guidance for a candidate or
16 public official in connection with: (i) an offense involving
17 fraud against a public entity, bribery of an officer or
18 employee of a public entity, official misconduct, or inducement
19 of an officer or employee of a public entity to commit official
20 misconduct; (ii) any other infamous crime under State or
21 federal law; or (iii) any other offense that reflects upon the
22 candidate's or official's character, honesty, integrity, or
23 ability to qualify for or hold public office.

24 For the purpose of this Section, "public entity" means any
25 entity authorized or established by constitution, law,

1 executive order, resolution, or ordinance in the executive,
2 legislative, or judicial branch of government at the federal,
3 State, or local level.

4 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

5 Sec. 9-10. Financial reports.

6 (a) The treasurer of every state political committee and
7 the treasurer of every local political committee shall file
8 with the Board, and the treasurer of every local political
9 committee shall file with the county clerk, reports of campaign
10 contributions, and semi-annual reports of campaign
11 contributions and expenditures on forms to be prescribed or
12 approved by the Board. The treasurer of every political
13 committee that acts as both a state political committee and a
14 local political committee shall file a copy of each report with
15 the State Board of Elections and the county clerk. Entities
16 subject to Section 9-7.5 shall file reports required by that
17 Section at times provided in this Section and are subject to
18 the penalties provided in this Section.

19 (b) This subsection does not apply with respect to general
20 primary elections. Reports of campaign contributions shall be
21 filed no later than the 15th day next preceding each election
22 in connection with which the political committee has accepted
23 or is accepting contributions or has made or is making
24 expenditures. Such reports shall be complete as of the 30th day
25 next preceding each election. The Board shall assess a civil

1 penalty not to exceed \$5,000 for a violation of this
2 subsection, except that for State officers and candidates and
3 political committees formed for statewide office, the civil
4 penalty may not exceed \$10,000. The fine, however, shall not
5 exceed \$500 for a first filing violation for filing less than
6 10 days after the deadline. There shall be no fine if the
7 report is mailed and postmarked at least 72 hours prior to the
8 filing deadline. For the purpose of this subsection, "statewide
9 office" and "State officer" means the Governor, Lieutenant
10 Governor, Attorney General, Secretary of State, Comptroller,
11 and Treasurer. However, a continuing political committee that
12 does not make an expenditure or expenditures in an aggregate
13 amount of more than \$500 (A) on behalf of or in opposition to
14 any (i) candidate or candidates, (ii) public question or
15 questions, or (iii) candidate or candidates and public question
16 or questions on the ballot at an election or (B) in connection
17 with the legal defense of a candidate or public official shall
18 not be required to file the reports prescribed in this
19 subsection (b) and subsection (b-5) but may file in lieu
20 thereof a Statement of Nonparticipation in the Election with
21 the Board or the Board and the county clerk ; except that if
22 the political committee, by the terms of its statement of
23 organization filed in accordance with this Article, is
24 organized to support or oppose a candidate or public question
25 on the ballot at the next election or primary, that committee
26 must file reports required by this subsection (b) and by

1 subsection (b-5).

2 (b-5) Notwithstanding the provisions of subsection (b) and
3 Section 1.25 of the Statute on Statutes, any contribution of
4 more than \$500 received (i) with respect to elections other
5 than the general primary election, in the interim between the
6 last date of the period covered by the last report filed under
7 subsection (b) prior to the election and the date of the
8 election or (ii) with respect to general primary elections, in
9 the period beginning January 1 of the year of the general
10 primary election and prior to the date of the general primary
11 election shall be filed with and must actually be received by
12 the State Board of Elections within 2 business days after
13 receipt of such contribution. A continuing political committee
14 that does not support or oppose a candidate or public question
15 on the ballot at a general primary election and does not make
16 expenditures in excess of \$500 on behalf of or in opposition to
17 any candidate or public question on the ballot at the general
18 primary election shall not be required to file the report
19 prescribed in this subsection unless the committee makes an
20 expenditure in excess of \$500 on behalf of or in opposition to
21 any candidate or public question on the ballot at the general
22 primary election. The committee shall timely file the report
23 required under this subsection beginning with the date the
24 expenditure that triggered participation was made. The State
25 Board shall allow filings of reports of contributions of more
26 than \$500 under this subsection (b-5) by political committees

1 that are not required to file electronically to be made by
2 facsimile transmission. For the purpose of this subsection, a
3 contribution is considered received on the date the public
4 official, candidate, or political committee (or equivalent
5 person in the case of a reporting entity other than a political
6 committee) actually receives it or, in the case of goods or
7 services, 2 business days after the date the public official,
8 candidate, committee, or other reporting entity receives the
9 certification required under subsection (b) of Section 9-6.
10 Failure to report each contribution is a separate violation of
11 this subsection. In the final disposition of any matter by the
12 Board on or after the effective date of this amendatory Act of
13 the 93rd General Assembly, the Board may impose fines for
14 violations of this subsection not to exceed 100% of the total
15 amount of the contributions that were untimely reported, but in
16 no case when a fine is imposed shall it be less than 10% of the
17 total amount of the contributions that were untimely reported.
18 When considering the amount of the fine to be imposed, the
19 Board shall consider, but is not limited to, the following
20 factors:

21 (1) whether in the Board's opinion the violation was
22 committed inadvertently, negligently, knowingly, or
23 intentionally;

24 (2) the number of days the contribution was reported
25 late; and

26 (3) past violations of Sections 9-3 and 9-10 of this

1 Article by the committee.

2 (c) In addition to such reports the treasurer of every
3 political committee shall file semi-annual reports of campaign
4 contributions and expenditures no later than July 20th,
5 covering the period from January 1st through June 30th
6 immediately preceding, and no later than January 20th, covering
7 the period from July 1st through December 31st of the preceding
8 calendar year. Reports of contributions and expenditures must
9 be filed to cover the prescribed time periods even though no
10 contributions or expenditures may have been received or made
11 during the period. The Board shall assess a civil penalty not
12 to exceed \$5,000 for a violation of this subsection, except
13 that for State officers and candidates and political committees
14 formed for statewide office, the civil penalty may not exceed
15 \$10,000. The fine, however, shall not exceed \$500 for a first
16 filing violation for filing less than 10 days after the
17 deadline. There shall be no fine if the report is mailed and
18 postmarked at least 72 hours prior to the filing deadline. For
19 the purpose of this subsection, "statewide office" and "State
20 officer" means the Governor, Lieutenant Governor, Attorney
21 General, Secretary of State, Comptroller, and Treasurer.

22 (c-5) A political committee that acts as either (i) a State
23 and local political committee or (ii) a local political
24 committee and that files reports electronically under Section
25 9-28 is not required to file copies of the reports with the
26 appropriate county clerk if the county clerk has a system that

1 permits access to, and duplication of, reports that are filed
2 with the State Board of Elections. A State and local political
3 committee or a local political committee shall file with the
4 county clerk a copy of its statement of organization pursuant
5 to Section 9-3.

6 (d) A copy of each report or statement filed under this
7 Article shall be preserved by the person filing it for a period
8 of two years from the date of filing.

9 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-957,
10 eff. 1-1-09.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.